

# Help Save Our Family!

(Testimony before the Children & Families Committee - 3-2-05)

My name is Earl Kranz, and I am facing termination of my parental rights along with my wife Judy Kranz. We have been a victim of the Michigan Child Protective Services (CPS) system and courts. I will lay out the facts of our situation, and have court papers and other reports to back up every step of my claim. The apparent termination of rights is being appealed at this time. Thank you in advance for your time in reading this.

1992 – IN – While contemplating divorce, my (now ex) in-laws made allegations of physical and sexual abuse against Earl Kranz, in order to assure custody to their daughter Tonja, my now ex-wife. The judge dismissed the allegations after a thorough investigation, and determined the kids had been coached by those in-laws, ordered a PPO against them, and then ordered CPS to pay for counseling of the Kranz family due to what CPS had put them through. A gag order was placed on CPS and the counselors to not name Earl Kranz as a perpetrator of any kind during this counseling. Within a year's time, 3 more attempts were made in court by CPS to remove the children, and all three were dismissed by the judge. In the final appearance, the judge told CPS to never bother the Kranz's again or he would recommend Earl sue CPS and the state.

1994 Ionia, MI – In violation of the PPO, the in-laws kidnapped the kids from Indiana and took them to Ionia, MI. Ionia Probate Court took jurisdiction even though both parents and their children resided in Indiana. The investigation lasted 18 months, during which the children were forced to live in foster care. The judge returned the children to Earl with an apology, stating that they (CPS and the court) had made a mistake, and reinstated the PPO against the in-laws.

Divorce was filed in 1995 after Earl discovered a letter dated 1994 written by his ex-wife, giving permission to the in-laws to take the children out- of-state in violation of the PPO. The divorce decree gave Mr. Kranz sole custody of both children, ex-wife supervised visitation and reinstated the PPO against the in-laws.

From 1996-2000, ex-wife sued for custody numerous times but each time was denied. During the first unsupervised visits, ex-wife assaulted Rachael (daughter) in a bathroom at McDonalds.

In Oct. of 2000, allegations of neglect were made by Jeff Lust, Earl's new wife Judy's ex-husband, who had his visitation suspended by the court 5 years previously. We understand that both Judy's ex-husband and Earl's ex-wife had been communicating with one another on a frequent basis after being introduced by Rachael and Jenny (Judy's daughter). Kent County CPS investigated the claims and found them to be unsubstantiated. Immediately following the investigation, Kent County CPS offered the Kranz voluntary in-home counseling to resolve problems with daughters, and the Kranz happily accepted. This continued until March 2001. Lutheran Child and Family services determined that the daughters were not open to counseling

and uncooperative, but that Earl and Judy were open and cooperative and making every attempt to communicate and better relate to the two daughters. During counseling period, Jennifer (15) and Rachael (13) moved to ex-spouses homes.

A year later in 2002, Jennifer returned home to Earl and Judy's promising to improve behavior and never wanting to see her Dad again. Jeff, Judy's ex-husband fought to have Jenny placed in a juvenile home or foster care stating she was uncontrollable. Jenny informed us that while staying with her dad, she had been allowed to drive without a license, smoke cigarettes (which he supplied), do drugs, and have sex. Ex-spouse gave up custody in exchange for a final payment of half of his unpaid child support in December 2002.

During 2002, Tonja, in violation of PPOs, allowed and encouraged regular contact with the grandparents, who had previously coached and kidnapped the children, including but not limited to phone calls and physical contact.

In January of 2003, on a scheduled visitation with Rachael, Jenny and Rachael were together for 3 hours and returned to the house, wanting to talk to Judy privately. Jenny then alleged sexual abuse of Rachael by Earl and then made her own accusations against Earl that he had asked her to undress one time. It was decided that Earl would move out until the matter could be worked out, and Earl promptly left. Tonja was notified but chose not to come until the next morning. She arrived around 11AM and said that if Judy gave her custody of David, she would not to the police. However, Judy refused. An investigation by Kent County Sheriff's Dept. ensued, which included four polygraph tests all of which Earl passed. It was recommended to the prosecution that the case be dismissed, thus no charges were filed. CPS ignored the Kent County Sheriff Department's recommendations and proceeded to investigate the Kranz family. The results of their investigation are as follows:

1. Children's Assessment Center found no abuse
2. Psychological evaluations found no abuse, but that Jenny had a high propensity to lie and would use anything to her advantage.
3. Catholic Social Services found no evidence of abuse and that the Kranz were a warm, loving, well bonded family.
4. Lutheran Child and Family Services found no evidence of abuse and concurred with CSS. The LCFS worker was concerned that Deb Deal was misrepresenting her statements and reports and stated that it was impossible to fight the system.
5. YWCA found no evidence of abuse and found the children to be healthy and happy. However, they still recommended ward ship of the children because if CPS makes allegations, it must be true.
6. Bethany Christian Services met with Judy initially for 15 min and a 2nd time to fill out paperwork with a brief history. However, the worker from BCS falsely testified that

Judy had confessed to physical abuse. This was blatantly untrue and did not take place. This testimony was based on notes that she had shredded in violation of discovery orders. The evaluation she testified to was a direct opposite of every other evaluator.

7. Psychologists Dr. Fall and Dr. Laufer rigorously tested Earl and found that he does not fit the profile of an abuser and the children are in no danger of returned to his care. Dr. Fall is an independent advocate who does victim evaluations for the courts. Earl is the ONLY accused perpetrator, out of hundreds of cases, she has ever testified in favor of. Dr. Laufer was head of Kent County Juvenile Services and the Kent County Mental Health Services and trained many CPS workers in abuse and was also the court appointed psychologist in 1994 evaluation for court on behalf of CPS.

### CONCLUSION:

In spite of all the evaluations, expert testimony, former court findings, the Kranz's were found guilty on all counts and their parental rights are about to be terminated. This ruling is currently under appeal to the MI Supreme Court.

Some additional mitigating circumstances are:

1. Tonja was diagnosed "Bi-Polar Disorder", which causes mood swings, erratic tendencies and sexual promiscuity.

2. Rachael was diagnosed in 1994 by Dr. Laufer with "Munchausen's by Proxy", which includes lying and fabricating things for attention, it also makes someone **very** susceptible to coaching. Judge Zamaitis would not allow her to be re-evaluated because it would have damaged FIA's case. This earlier diagnosis of Rachael was the basis of the PPO initiated against the in-laws (Pennington's and Cotters), who it was determined coached Rachael.

3. CPS worker, Deb Deal, admitted, on the stand and under oath, that she did not follow protocol in questioning the children. Yet, her testimony was not stricken and was still used as valid evidence against the Kranz's. During disposition, she denied having said, she did not follow protocol. The court transcripts were read back clearly showing that she had perjured herself, but the judge did nothing. Are Michigan State employees above the law?

Judge Zemaitis refused to admit transcripts, findings, and evidence from the Indiana court cases and earlier Michigan court cases which found in Earl's favor, he called them hearsay. He also would not admit psychological evaluations and diagnoses that his court had ordered because it did not favor FIA's case. Why is it that a judge can arbitrarily accept information that favors his position and reject information that does not favor them when both are ordered by the court? Why can a judge force some members to be evaluated whom the prosecution asks for but refuse evaluations requested by the defense? Our requests to have Tonja and Rachael evaluated was rejected. Our request to use earlier evaluations was also rejected.

Is there no way to force a judge to consider all the evidence? Is there no one or no way to force a judge to be truly fair and impartial or are we all simply victims of judicial tyranny? In

addition, the judge disallowed reports by a sex abuse counseling agency and all of the counselor's reports that had been ordered by the court and administered by Kent County FIA. The court demonstrated a clear and blatant bias against the Kranz's as the court ignored the evidence and its own required evaluations in favor of CPS recommendations unsupported by any credible evidence.

We CANNOT understand and WOULD LIKE TO KNOW with the overwhelming testimony and evidence, how can CPS present this case without credible evidence and the court proceed to rule as it did?

It seems as though both the courts and FIA/CPS have unrestricted and unchecked power to invade and ignore any families' Constitutional rights. The right to be innocent until proven guilty, be provided a fair and impartial trial and a trial by jury have been ignored in our case. The burden of proof in the state of Michigan is presumption which for all practical purposes means it could have happened, or it might have happened and on that basis children are being removed from their families. Parental rights are being terminated and husbands and wives are being told to divorce. I ask you, is this what America and the state of Michigan considers preserving and protecting families and the sanctity of marriage, as well as ensuring "Liberty and Justice for all". I think not.

Earl Kranz  
53 Hyacinth SW  
Grand Rapids, MI 49548  
616-534-8799 (mothers home, where I have been staying through out the case)  
616-901-1369 (cell)

Judy Kranz  
513 Ely St  
Allegan, MI 49010  
269-686-8085

#### **Addendum**

This Summary was written May of 2004. Since that time, we have had 25+ hours of disposition and permanency planning hearings. The most recent was February 4, 2005. At that hearing, Foster Care Supervisor Henry Roukema recommended dismissal of the case against Earl and Judy Kranz following Judy's completion of a "Mommies class," and that no further action or involvement between the Kranz and Kent County FIA is necessary.

# C.P.S. *More Harm than Help??*

## Burden of Proof

- The courts of this country have recognized that the companionship, care and custody of one's children is a "precious right" of all citizens
- The presumption of the court must be in favor of the defense and the prosecution must overcome this presumption.
- Neither the seriousness of these charges nor mere allegation make them true.
- The prosecution must show the charges are true

**HAVE  
THEY ?**

## Petition

- Jack, Jared and David missed a significant amount of school.
- Joshua Lust helped Judy Kranz discipline the other children.
- Judy and Earl physically abused the children by spanking them with a paddle and left bruises and marks.
- Earl asked Jennifer to get undressed and told her about his fantasies.
- Earl has sexually abused Rachael throughout her life.

## Truancy

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- ✓ Mr. Atkinson, Grandville principal (5 yrs experience and 15 yrs at Pine Rest as a therapist), testified that there is no truancy issue.
- ✓ Mr. Cheevers, Grandville Elementary principal (8 yrs on job), testifies that there is no truancy issue.

Truancy

- Absences occurred while changing school and moving
- It has not been shown to be a current or ongoing problem
- It has not been shown that whatever absences there were negatively affected the children's education
  - David for instance now has perfect attendance and has made the deans list every quarter

Mr. Cheevers

8/20/03

3:50 pm

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- ✓ Kentwood made no referral to Kent ISD .

Joshua Lust

Spanking

Joshua Lust

- Deb Deal listed him on the petition, knowing that him spanking the kids was not illegal.
- Deb Deal admitted that any adult, with the permission of the parents, can legally spank the children.
- Deb Deal admits she doesn't expect the court to rule on this charge.

Deb Deal

8/22/03

4:42.30

Joshua Lust

Why was this charge included?

### Joshua Lust

- This shows that Deb Deal was - at best - willing to pad the petition and - at worst - to make her case irrespective of the truth.
- What does this say about the rest of her testimony?

### Judge's Decision

- "We're gonna strike paragraph five altogether as having not been proved by preponderance of the evidence.  
... using the board as part of the discipline is not the issue. The issue is whether or not bruises were left, as we have in paragraph four. Paragraph five, therefore, is deleted in its entirety."

T 1/7/04 p30 @ 2:3, 8:11

## Spanking

### Spanking

- Deb Deal claims the kids were bruised by spanking, based on interview with children

### Spanking

- Deb Deal claims kids were bruised by spanking, based on interview
  - Deb Deal admits to not following protocol,
  - **And** admits to being first to mention bruising and injury

- These protocols are in place to protect against children being led and manipulated by the questioner.
- This is important because children, when being questioned, are eager to please the questioner and want to give the "right" answer - that is, the answer they believe the questioner wants.
- Deb Deal admits that she did not follow protocol.

Deb Deal  
8/22/03  
4:34.3

So does Deb  
Deal have a  
case?

Deb Deal  
8/22/03  
4:42.08

### Deb Deal lies about having lied

During disposition, Deb Deal denied having said the statements you just saw in video. After a brief attorney argument, Mr. Vanden Heuvel approached Ms. Deal with the transcripts from court and had her read her statements from them. After reading the statements you just saw on video, thus confirming she had in fact said them, and just committed perjury, the Prosecutor stood and said to Ms. Deal, you didn't say that though did you, and she responded no she didn't. The Judge made no comment to this whole perjures statement.

- Because Deb Deal admits that she did not follow protocol
  - Thus eliciting the response she wanted
  - This part of her report is neither objective, reliable nor credible

THUS, Deb Deal is unable to prove to this court that any physical abuse occurred

Throughout this case C.P.S and its agents—

- Lied
- Misrepresented evidence
- Suppressed evidence
- Shredded documents

### Lies & Misrepresentations

- Julie Thorne, Bethany Christian Services, is introduced as a surprise witness right after the lunch break that Ms. Deal had just made her statements about protocol, and having no case
- Julie Thorne lied about a supposed confession by Judy
- Shredded her notes
- No repercussion from court

### Julie Thorne video



### Spanking

- Deb Deal reports kids were bruised by spanking, based on interview.
- Deb Deal admits to not following protocol.
- Admits to being first to mention bruising and injury,
- Jennifer testifies that she never saw any bruises.

Jennifer  
8/21/03  
9:54

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**•Jamie Bont testified that she never saw any bruises.**

**•Even Deb Deal admits she never saw marks or bruises.**

**Expert Conclusions**

- Dr Musselman (2003) testified the kids are well bonded and show no signs of abuse
- YWCA interviewed all minor children, except Rachael, and found no signs of abuse but did assume guilt because CPS said so.
- Children's Assessment Center reported no abuse

YWCA  
8/22/03  
15:39.18

**All sources report the children to be well adjusted and bright**

■ What about—

**“The Board”**

**The Board**

- Prosecution-unable to show any bruises, marks, or injuries from spanking- seeks to argue that the board was broken spanking Jennifer.
- Exhibiting the bread board seeks to imply this board was broken on Jennifer and it must have caused a mark.

### The Board

- The prosecution hasn't shown **when** this was alleged to have happened
- The prosecution hasn't shown that the board they exhibit was ever broken on Jennifer
- In fact, prosecution acknowledges that Jennifer stated the board was not broken on her

### The Board

- Whether or not this board, another board, or any board was ever broken-the prosecution hasn't shown that any injury occurred.
- This story is without any evidence, context, or specificity.

### Judge's Decision

- Strikes Earl from this allegation
- Strikes "On at least several occasions"
- "Where do we come up that being proven by a preponderance of the evidence? Alleged statements made by Mrs. Kranz to Julie Thomas. Mrs. Kranz did not testify, so we didn't have the other side. That leaves the court with the bruises were there. There was an admission in that in the treatment modality and that that's not gonna be used anymore, which is why that was done. That's the testimony that we have; that satisfies the preponderance standard."

T 1/7/04 p. 29

### Alleged Sexual Abuse

This is the most serious of all the charges

### Jennifer Lust

- Cara Lemmen found no indication of any physical or sexual abuse
- Even though this is the exact time Rachael testified that she was being abused

### Jennifer Lust

- Both girls, after weekend away, announce they are moving to their other parents and leave same day (February 14, 2001)
- Jennifer moves back March 2002 at own request
- Jennifer caught lying about staying at a girlfriend's when she actually was spending the night with her boyfriend (November 2002)
- Jennifer grounded from 11/02 thru 12/02

### January 17, 2003

- Aprx. 3 weeks after coming off grounding--
- Jennifer goes to pick up Rachael for visit and returns 1 hr late
- After being home for 3 hours (and repeated trips out of the house), Jennifer makes allegations
- Earl volunteers to stay at his mother's to protect the kids from being removed

### Conclusions

- It certainly appears that both girl's conspired and manipulated to avoid the rules
  - First by directly or indirectly making false allegations to CPS
  - Secondly, when they wanted to move
  - Again when Jennifer wanted to see her boyfriend unsupervised
- How credible is Jennifer?
  - Does she have a tendency to lie to get her own way?
  - Did she lie to get to sleep with her boyfriend?

### Suppression and selectivity of evidence

#### Boyd Reports

- Ordered by court and paid for by the state
- Report was favorable to Earl and negative in regard to Jennifer, and CPS failed to report findings to court
- Denied subpoena by court
- Denied admission of reports as hearsay despite being a scientific report which is a clear exception to hearsay rule (803a)
- Earl was told he would have to pay Dr Boyd if he called him

#### Suppression and selectivity of evidence

##### Angela Musselman LLP

- Prepared court ordered psychological evaluations on David, Jared, Jack, Brandy
- When she testified that she found no evidence of abuse CPS lied and claimed she was only supposed to do a cognitive analysis
- CPS then retaliates against Ms. Musselman by refusing to pay her!
- Her report was denied admission by court

- Jeanine Curtis testified that she reviewed Dr Boyd's findings and found Jennifer to have authority problems and a high propensity to lie.

Jennifer  
8/21/03  
10:59.20

MORE  
LIES....

Jennifer  
8/21/03  
11:08.35

#### Conclusions

- Is there any reason to doubt that she would falsely accuse Earl in order to live with her boyfriend?
- Is it likely that Rachael would encourage Jennifer to lie?
- Dr. Laufer, in his testimony, stated that it would be very common, for someone with Factitious Disorder, to recruit peers and encourage them to make allegations

#### JUDGE'S DECISION

- The judge acknowledged that Jennifer plays fast and loose with the truth (T 1/7/04 pp. 26-27) - so how can he believe her? Which is what Dr Boyd argued in the report that was suppressed.

Rachael Kranz

#### Previous Investigations

- South Bend 1992
- Ionia County 1994
- Divorce Case 1996
- Custody Case 2003

## South Bend 1992

### '92 South Bend Case

- A complaint was filed with Ionia CPS alleging Earl was sexually abusing Rachael. Ionia refers matter to South Bend CPS (February 1992).
- Rachael, not David, on Friday February 14, 1992, was picked up
- Monday Morning February 17 Judge returns Rachael to home after which point neither child is in foster care in Indiana.
- She was only in foster care for 3 days

### Judge Peter Nemeth

Order Filed May 11, 1992

#### Exhibit # 13-39

"The Judge ruled CHINS, not on the basis of neglect or abuse. Instead it appears he ordered the parents into counseling for their interpersonal conflicts... Judge imposes a gag rule forbidding anyone to further discuss sexual abuse with the child."

### '92 South Bend Case Resolution

May 11, 1992 court decides

- Earl wins
- Gag order against CPS not to name Earl as perpetrator
  - Apparently they had problems with protocol too
- Protective order issued against Penningtons

## Ionia County 1994

### '94 IONIA CASE RESOLUTION

April '95

- Dr Laufer, retained by Ionia child protective services, issues duty to warn letter to court regarding the Pennington's, in that they constitute a serious and grave risk of emotional abuse
- Finds that Rachael suffers from Factitious Disorder by proxy (*DSM IV Diagnostic and Statistical Psychiatric Manual classification, DSM IV number 300.19*)

### '94 IONIA CASE

- Dr. Laufer states that Rachael is clearly a proxy and that this is not a borderline case
- Dr Laufer states that it is likely that the source of Rachael's Factitious Disorder is the maternal grandparents and great grandparents
- Dr Laufer further states that the repetitive character of these charges is consistent with Factitious Disorder (i.e. starts several cases and involves others.)

**Dr. Laufer testified that Rachael did not show ANY scores or responses of an actually abused child on basis of.....**

- Rorschach Technique
- Sentence Completion
- Any of the drawings, including Kinetic Family Drawing
- Children's Apperception Test
- Rachael didn't show even one of the Goodwin and Sauzier signs of actual sexual abuse
- Also confirmed by paradoxical interview

**It should be noted that  
Dr. Laufer testifies  
that all these  
scientific tests are  
valid and still in use**

#### '94 IONIA CASE RESOLUTION

- Ionia FIA writes letter to Interstate compact that the case has been dismissed
- Earl's name is expunged from central registry
- At this point Dr Laufer has determined that Rachael has not been sexually abused
- Clearly, Rachael has not been abused throughout her life
- Further, Rachael would be put at risk by exposure - directly or indirectly - with the Pennington/Cotters

## Divorce Case

#### Divorce Decree exhibit 14-39 September 1996

- Judge orders investigation by DOMESTIC RELATIONS COUNSELING BUREAU (DRCB), which was received by Magistrate Chapleau February 1996
- September 1996 court decision that Earl is to be given sole custody of Rachael and David, and that Tonja is to be given only supervised visits.
- Further, that there shall be no contact between the children and their maternal grandparents and great grandparents (Pennington's & Cotters)

#### Conclusions

- It's important to note that after receiving the investigative report from DRCB (FOC) and, despite the 2 previous cases, the Judge gave Earl sole custody
- Apparently the Indiana Circuit Court and the DRCB did not think the 2 previous courts were in error in their final conclusions

## Custody Case 2003

#### Expert Conclusions

- January 2003 Tonja again tries to get custody of David and **court orders** Holy Cross (Jeanine Curtis) do an assessment of Earl, Tonja, David and Rachael
- Jeanine Curtis (Holy Cross) recommends that Earl retain custody
- Jeanine Curtis (Holy Cross) also states Rachael does not fit profile of an abused child
- Jeanine Curtis testified that Earl doesn't fit profile of a sex abuser

#### Alleged Sexual Abuse

- The fact that 3 courts and several experts looked at these cases should have given CPS and the prosecution concern and cast doubt on Rachael's claims
- Has the prosecution given us any evidence to suggest that all these courts and experts are wrong, or that they even considered this, rather than *assuming* that these other experts and courts dropped the ball?

#### Rachael Kranz

##### Prosecution

- Rachael's Testimony

##### Defense

#### ■ Is Rachael's Testimony credible? NO

- Because in 1994, Dr. Laufer diagnosed Rachael with Factitious Disorder by proxy.
- Dr Laufer stated that the very likely source of this Disorder was the Maternal Parents and Grandparents (Penningtons & Cotters) and issued a **Duty to Warn** letter
  - Jeanine Curtis's testimony that Tonja said that she had witnessed her parents coaching Rachael lends credence to this idea
  - Further, Jeanine Curtis testified that Tonja stated her parents did this because they wanted to assure she would get custody in case of divorce

- Dr. Laufer testified that contact with the Penningtons and Cotters, even after years, could result in recurrence of false allegations

■ These allegations come only after-

- Rachael moves in with Tonja
- Tonja is involved in custody battle over David, who Rachael wants to come live with them-despite David's wishes
- And Tonja allows contact with Pennington/Cotters - as testified to by both David and Rachael

- Note that under cross examination, by Ms Jennings, Dr. Laufer testified that any contact by the proxy source presents a risk.
- In fact he also noted that even indirect contact could be a problem

Only after these  
contacts do  
new charges  
arise

Rachael Kranz

**Prosecution**

- Rachael's Testimony
- Deb Deal

**Defense**

- Deb Deal has operated in this case as an adjunct of the prosecution, accepting that which seems to bolster her case and rejecting that which doesn't.
- Perhaps that is her role, but that clearly colors her testimony
- Deb Deal quotes Holy Cross & Jeanine Curtis
  - She in testimony used them as support for her case
  - When Holy Cross director Jeanine Curtis testified that she did not believe Rachael, they wanted her testimony suppressed
- Deb Deal sent counselors (Catholic Social Services & Lutheran Family Services) into the home for several months- did we hear from them? And what of the Children's Assessment Center?

Rachael Kranz

**Prosecution**

- Rachael's Testimony
- Deb Deal's verification
- Carol Haan

**Defense**

- South Bend Prosecutors have Carol Haan interview Rachael
- Carol Haan only interviewed Rachael
- She knew nothing of the context or background
- Did not know of diagnosis of Factitious Disorder by proxy
- Her report was disregarded by the South Bend prosecutor's office and St Joseph County CPS

Rachael Kranz

**Prosecution**

- Rachael's Testimony
- Deb Deal's verification
- Carol Haan

**Defense**

- 1992 South Bend Judge

Rachael Kranz

**Prosecution**

- Rachael's Testimony
- Deb Deal's verification
- Carol Haan

**Defense**

- 1992 South Bend Judge
- 1994 Ionia Judge

Rachael Kranz	
Prosecution	Defense
■ Rachael's Testimony	➤ 1992 South Bend Judge
■ Deb Deal's verification	➤ 1994 Ionia Judge
■ Carol Haan	➤ Dr Laufer

Rachael Kranz	
Prosecution	Defense
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■ Deb Deal's verification	➤ 1994 Ionia Judge
■ Carol Haan	➤ Dr Laufer
	➤ Ms. Christenson supervisor Ionia CPS

Rachael Kranz	
Prosecution	Defense
■ Rachael's Testimony	➤ 1992 South Bend Judge
■ Deb Deal's verification	➤ 1994 Ionia Judge
■ Carol Haan	➤ Dr Laufer
	➤ Ms. Christenson supervisor Ionia CPS
	➤ 1996 Divorce case

Rachael Kranz	
Prosecution	Defense
■ Rachael's Testimony	➤ 1992 South Bend Judge
■ Deb Deal's verification	➤ 1994 Ionia Judge
■ Carol Haan	➤ Dr Laufer
	➤ Ms. Christenson supervisor Ionia CPS
	➤ 1996 Divorce case
	➤ Cara Lemmen

Rachael Kranz	
Prosecution	Defense
■ Rachael's Testimony	➤ 1992 South Bend Judge
■ Deb Deal's verification	➤ 1994 Ionia Judge
■ Carol Haan	➤ Dr Laufer
	➤ Ms. Christenson supervisor Ionia CPS
	➤ 1996 Divorce case
	➤ Cara Lemmen
	➤ Jeannine Curtis

Quantity V. Quality
■ Clearly the quantity of evidence points to these charges being unfounded, but what about a qualitative measure?

■ Deb Deal	■ Jeanine Curtis
■ We didn't get her CV	■ Director of Holy Cross Counseling Group, the Premier Sex Abuse Clinic in Northern Indiana and Southern Michigan
■ But we know she is a CPS worker	■ All court referrals in South Bend and other areas for sex abusers and victims
■ Carol Haan	■ Sits the board for Carol Haan's group
■ Forensic interviewer	■ Master in Social Work
■ B.A. in Elementary Education	■ Master in Criminal Justice -- was even a probation officer for 10 years prior
■ No degree in psychology or social work	

■ Deb Deal	■ Jeanine Curtis
■ We didn't get her CV	■ Director of Holy Cross Counseling Group, the Premier Sex Abuse Clinic in Northern Indiana and Southern Michigan
■ Carol Haan	■ All court referrals in South Bend and other areas for sex abusers and victims
■ Forensic interviewer	■ Master in Social Work
■ B.A. elementary education	■ Master in Criminal Justice -- was even a probation officer for 10 years prior
■ No degree in psychology or social work	■ Angela Mosselman
	■ Forensic psychologist
	■ Supervisor and Crisis Team for Westwood Christian Youth and Family Services
	■ Pre-Adolescent Sexual Offender Therapist
	■ Kent County Juvenile Court Therapist
	■ Member of the American College of Certified Forensic Counselors

Dr. Laufer
<ul style="list-style-type: none"> <li>• Diplomate, School Psychology -- American Board of Professional Psychology</li> <li>• Diplomate and Fellow, American Board of Medical Psychotherapists</li> <li>• Fellow, American Society for Personality Assessment, American Psychological Society</li> <li>• Licensed Full Psychologist in Michigan, Wisconsin and Tennessee</li> <li>• Certified School Psychologist</li> <li>• Who's Who, 3<sup>rd</sup> Edition, Among Human Services Professionals</li> <li>• Clinical Psychological Consultant -- Kent County Mental Health Board</li> <li>• Chief of Psychological Services -- Kent County Special Education Department</li> <li>• Psychologist and Director of Clinical Services -- Kent County Juvenile Court</li> <li>• Both Michigan Department of Social Services and Michigan Attorney General, among MANY others, have named him an expert witness for court</li> <li>• In addition to NUMEROUS Professor positions, staff and director of psychology positions, lectures, publications, teaching seminars, training positions, consults, and over 40 years experience</li> </ul>

## And ALL of the prior Judges

### Expert Conclusions

- **NO** criminal charges ever filed
- Dr. Laufer, in 1994, states Earl does not exhibit signs or profiles of a sexual abuser and that Rachael shows no signs of sexual abuse, but rather exhibits signs of false allegation. Dr. Boyd's Psychiatric report ordered by court was **not** introduced by prosecution
- ..... why not?

### Dr. Laufer

- As we have seen, Dr. Laufer has an an impressive CV and years of experience
- Mr. Bramble, in cross examination, reiterated several times that he hadn't seen Rachael since the Ionia case
  - At that time Dr. Laufer stated
    - Earl did not exhibit any signs or indications of being a sexual abuser
    - Rachael did not show any signs or indications of being sexually abused at any time in her past
    - He did diagnose Rachael with Factitious Disorder

### Dr. Laufer

- Does Mr. Bramble really want to argue that Rachael's symptoms have vanished?
  - This despite Dr. Laufer's warnings about the **continuing** danger of or renewed contact with the Pennington/Cotters
- Does he want us to believe that Earl's whole psychological profile has changed?
  - How likely is that?

### Dr. Laufer

- Further, who did the most recent study of both Earl and Rachael?
  - Jeanine Curtis and Holy Cross 2003
    - She agreed with Dr. Laufer that Earl showed no signs of being an abuser
    - Also she concluded that Rachael is not credible
- But why wasn't Rachael examined for this case by someone of Dr. Laufer's stature?

### Dr. Laufer

- Defense requested such an examination and the prosecution objected
- Maybe Rachael is both on and not on the petition to prevent such an exam
- If the prosecution felt the need for such an exam, they clearly could have asked for one, as could have Ms. Pavich's attorney.

### Summary

- This case is complex in one sense, but fairly simple in another:
  - It is complex due to the previous cases, attempts to manipulate the system (by Jennifer/Rachael, and the custody battles), plus the introduction of the Pennington/Cotters and the diagnosis of Rachael having Factitious Disorder by Proxy.
  - It is simple when you understand how the prosecution "filled out" the petition.
- The crux of the prosecution's case is Rachael's testimony:
  - Both Deb Deal and Carol Haan based their conclusions on Rachael's word, period.
  - They have not submitted any psychological support or, really, any evidence to lend credence to their belief in these charges

### Summary

- Prosecution used Rachael's testimony to try to bolster Jennifer's claims:
  - Deb Deal has testified that she and her supervisor were not sure Jennifer's claim were even against the law
  - The only supporting evidence to Jennifer's claim is Rachael's "abuse" past
- Fishing for a way to bolster this charge, Spanking was added to the petition
- Joshua Lust's charge and the truancy was added as "fluff" to make the petition fuller for the court

SO WITHOUT RACHAEL'S TESTIMONY BEING CREDIBLE, THEY HAVE NO CASE

### Suppression and selectivity of evidence

#### Denied psychological evaluation of Rachael

- Despite the judge's decision being based on her credibility
- Despite earlier diagnosis of factitious disorder which the judge acknowledged but didn't consider because there wasn't a current evaluation
- Denied evaluation of Rachael then convicted because there was no evaluation
- Despite every other family member being ordered to be examined



### JUDGE'S DECISION

*"Although there was some testimony by way of cross examination and questioning as to how Rachael can continue on with this Manchurian's by proxy syndrome. And it is totally within the purview that if she has that, if she has that pursuant to what Dr. Laffer said on the tapes it would be a good idea to talk to her. But if she has that and it can be **proven** that she has that then maybe what she's saying fits the Manchurian's by proxy. It certainly did back in '92 (should be '94) when he thought we needed a letter to warn."*

*The issue to me today is after going through this for the number of hours, is that true today? We'll see. We don't know that it is true today."*

### JUDGE'S DECISION

- Why doesn't the judge know?
- He denied request for a current evaluation of Rachael
- Arguing that he didn't have jurisdiction while also arguing that he did

## Other Factors

### Daniel Fagin

- Never interviewed the kids during the entire adjudication hearings.
- Earl filed a grievance with the Attorney Grievance Committee
- Mr. Fagin lied in his response stating he did extensive interviews with the children and the AG Committee closed it's case
- Earl sent affidavits from the kids that stated they had not been interviewed by Mr. Fagin at any time.
- AG Committee refused to re-look at the case and said Earl could file a writ of superintending authority with Supreme Court if he disagreed, as there was no supervisor etc to appeal to.
- Mr. Fagin attempted to impeach David's testimony at court while David was on the stand, David was his client.

### Kelly Lies

- Kelly left before the attempts to reach a solution to the counseling dilemma began.
- Her supervisor then issued a letter to the court outlining the agreement, but he did not attend court.
- Kelly testified as to the nature of this letter, lying about its purpose, intent, and content

### Henry Roukema Response

- Henry (Kent County Foster Care Supervisor) appeared at the next court hearing, and testifies that he did write the letter and that he would recommend for release of wardship as soon as Judy completed the mandated "mommy's group". That if the court instead chose to terminate Earl's rights, Earl could return home anyhow, and Henry would not re-open the case.
- Henry also indicates he has read all the reports and that he sees no danger to the kids by Earl, even stating that the reports say Earl does not fit the profile of an abuser or sexual predator

### YWCA Refuses counseling

- Court refuses to allow any counselor except YWCA.
- YWCA refuses to counsel Earl unless he admits guilt
  - Despite Mr. Gormel's testimony that they had a non-advising program
  - Chane Earl exhausted their resources after approximately 5 years
- YWCA reports Earl is uncooperative to the court for not completing the counseling
- Deb Deal, Kelly Arrandondo, Heather Menery all testify at various times that Earl is uncooperative in counseling because he won't admit.
- Deb Deal, Kelly Arrandondo, Heather Menery all testify that although Judy is doing everything laid out in the parent agency agreement, that she is uncooperative for not divorcing Earl.
- Admits it is not an evaluative agency, but does assume guilt because CPS said so
- Attempts to implement a program for Brandy, 6 at the time, using a book stating manufacturing a fun, sexual intercourse feels good.

### Judge Zamaitis' loose rules in the courtroom

- Court sets the attorney order as Prosecution, Judy's atty, Jenny's LGAL, Earl's atty, rest of kids LGAL, Tony's atty
  - If prosecution chose not to re-direct, having Mr. Fagin on the benchings do that for him, Defense was unable to answer to anything brought up
  - Defense objected and were denied
  - Once prosecution essentially ended it's case in chief, Judge states he looked and could find no ruling preventing re-cross of other atty's and decides it is now allowed. This favored prosecution in both directions
- Prosecution "bootstrapping" evidence in doing their case in chief. MCR rules changed September of 2003 now disallowing "bootstrapping" which is about the time prosecution rested, and Defense began it's case in chief.
  - Defense argues the law at the start of the trial prevails throughout the trial. Judge denies motion
  - This once again favored prosecution

## Impact of CPS On the family

### A. Financial

- 1. Destroyed the family business
- 2. Impoverished the family
- 3. Wiped out Earl's mother's retirement, savings, investments, and mortgaged the house to the max and maxed all credit cards
- 4. Most relatives gave all they could as well

### Impact of false allegations

- 1. Two year separation of Ead and rest of the family
- 2. All reports show the children and family suffering from this
  - Dr. Laufer
  - Dr. Musselman
  - YWCA
  - CPS reports
- 3. CPS Threats
  - Judy must divorce Ead or lose the kids
  - If Judy does not admit guilt she will lose the kids
  - If Ead does not admit guilt they will terminate his parental rights

### B. Family

- 4. Children's Psychological Humiliation
  - The 7 and 8 year old girl and boy respectively, must drop their pants in a little room at school, or whenever she is, routinely for Kelly Arndson to check them.
  - Every doctor appointment, they must show their bare bottoms to the nurse to prove no bruising of any kind. Dr. Lindy must be refused to participate in the case's charade and will no longer check them.
- 5. Foster Care
  - In 1992 they endured a brief stint in foster care, and in 1994 an 18 month stay during which numerous that proved to be false. Kranz's successfully keep the children from foster care this time.
  - Foster care usually splits children up
  - Well documented and Media covered Foster Care Horrors

- 1. If the allegations were true: Earl should have been **arrested and jailed!**
- 2. Earl was **NEVER** charged criminally in ANY of the cases

#### Why is that? - The Civil Side

- 1. No evidence
- 2. Passed polygraph
- 3. Burden of Proof
  - Preponderance
    - Michigan is one of very few states still using this low burden
    - Even the Native American reservations in Michigan use Clear and Convincing
  - Accusation equates to Guilty in CPS's eyes
    - most made anonymously
    - CPS and the courts are predisposed to Guilt
  - Shifts the burden to the defendant - Guilty until proven innocent

## Judy Kranz' Experiences

**THANK YOU  
FOR YOUR TIME  
AND  
ATTENTION**

Hi,

My name is David Huang. I have heard that Dan Faggie my ~~former~~ Guardian ad-litem talked to me and the rest of my family at our home. As far as I can remember he never talked to any of us. He came to the home once and told Judy my step-mom something and then left. The first time I had talked to him was at court and my dad had introduced me to him. Also I remember him changing my words when I was on the stand. He kept bugging in a raised voice saying I admitted to my parents beating Jack and Brandy in a private conversation we had the first time we met. I remember him asking me if my parents had beaten them and I replied "Jack and Brandy have been spanked before but have never had marks left on them."

Thank you for reading this.

Sincerely David Huang

J. E. VER BEEK  
CHAIRPERSON  
REA L. SOLAK  
VICE-CHAIRPERSON  
JE SHALLAL  
SECRETARY  
MEMBERS  
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January 26, 2003

ROBERT E. EDICK  
GRIEVANCE ADMINISTRATOR  
ROBERT E. EDICK  
DEPUTY ADMINISTRATOR  
CYNTHIA C. BULLINGTON  
ASSISTANT DEPUTY ADMINISTRATOR  
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WENDY A. NEELEY  
RUTHANN STEVENS  
STEPHEN P. VELLA  
PATRICK K. McGLINN  
FRANCES A. ROSINSKI  
EMILY A. DOWNEY  
H. LLOYD NEARING  
KIMBERLY L. UHURU  
NANCY R. ALBERTS  
DINA DAJANI

PERSONAL AND CONFIDENTIAL

Earl and Judy Kranz  
2936 Earle SW  
Grandville, MI 49418

RE: Earl and Judy Kranz as to Daniel R. Fagan  
File No. 3185/03

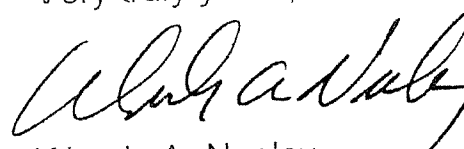
Dear Mr. and Ms. Kranz:

I am in receipt of your most recent correspondence dated January 17, 2004, requesting reconsideration of our office's decision to close the above-referenced file. I reviewed your correspondence as well your Request for Investigation and the answer provided by Attorney Fagan. I am writing to advise you that your most recent correspondence does not change our office's decision to close this matter.

As was previously advised to you in a letter dated January 8, 2004, the Commission does not function as a monitor of pending litigation. Any complaints that you may have with Attorney Fagan as appointed guardian ad litem, should be brought to your attorney's attention so that any appropriate action may be taken with the probate court to address your concerns. Our office will take no further action concerning this matter, and this file will remain closed.

Thank you.

Very truly yours,



Wendy A. Neeley  
Senior Associate Counsel

Earl and Judy Kranz  
2936 Earle SW  
Grand Rapids, MI 49418

Cynthia C. Bullington  
Attorney Grievance Commission  
Marquette Building  
243 W Congress, Suite 256  
Detroit, MI 48226-3259

**RE: Judy Kranz as to Daniel R. Fagin, File No. 3185/03**

Dear Cynthia C. Bullington:

We received your office's response to my wife's initial complaint, and wish to both clarify and file a second as well. Enclosed with your letter was a copy of Mr. Fagin's letter to you, and we contend it was not a truthful reply. First, on page one of his responses dated November 26, 2003, he stated that the prior attorney was not able to continue to represent all of the children, and that he was going to only represent the two girls. In fact, Mr. Johnson, the other LGAL, only represents Jennifer Lust, her interests being in conflict with the rest of the children in the home. We have no issue with Mr. Johnson, and believe him to be doing his duty.

Second, he states in the third paragraph of page 2 of his response that ***"I did go out to the residence of Judy Kranz and meet with my four minor clients, Jared Lust, Jack Kranz, Brandy Kranz, and David Kranz. We spoke casually and long enough for me to confirm what had been reported to me in the documents of the case and other interviews of the children, that is, my clients wanted to be in the home of Judy Kranz and to have Earl Kranz back in the home as soon as possible."***

This just simply is not true. He did come out to the house, and the children expected to meet him and looked forward to the same. He arrived, entered the living room, the children were seated in the dining room, and said hello to my wife. She asked which of the children he would like to meet first, and he responded none of them. He had read all the reports, and there was no need. He just wanted to make sure there were no "knives or weapons" lying around the house. He then turned and walked out to the front porch. My wife followed, and he then had the majority of his 5 minute conversation with her there. He told her he was in the unique position of siding with the family, something he had not done before. Then he left. He did not see any of them again after that point, with one exception. During the trial, my son David came to the courthouse to see me. My attorney, Mr. Vanden Heuvel, and I took David over to meet his attorney, Mr. Fagin. Mr. Fagin said nice to meet you David, and took him off to talk with him for a minute or two, then went back into court.

This brings me to my third issue. On pages 3-4 of Mr. Fagin's response entitled "Issue III. Ms. Kranz believes that I have been adversarial with my client David Kranz on the witness stand" he states in his second paragraph of page 4 that he had met with David Kranz and discussed the mechanics of testifying. In reality, before David took the stand, my attorney asked to speak with David, and Mr. Fagin agreed after speaking to David privately first. I should mention at this point, that my attorney called David to the stand, not prosecution as stated in Mr. Fagin's letter. When they returned, my attorney asked if he had ever been spanked by my wife and I or seen any of the other kids spanked by us that left any injury or bruising. David responded that we spank, but never left marks. Mr. Fagin interrupted at

misunderstood then, because that is what he had told him. Mr. Fagin got upset and ended the interview.

When David took the stand and testified, Mr. Fagin again told the court that David had told him something different in the hallway during a private meeting. David again said that wasn't true. David then was getting quite upset, and told my wife later, that it bothered him that Mr. Fagin was raising his voice to him and implying he was a liar.

With the exception of those contacts with David, Mr. Fagin has never met with, talked with, come to see the kids, or had any contact with Jared, Jack or Brandy. In fact, after we filed this initial complaint, and Mr. Fagin making a big issue of it in court, he then approached my wife's attorney, Ms. Paula Hines, and said he wanted to come to my Christmas visit to meet the kids. She and my wife agreed, and Ms. Hines came to the visit as well. Mr. Fagin didn't show up for that visit, nor call or give any indication of a change in plans. That was the end of any attempts to finally meet them.

When I called to ask Mr. Vella how I could clear up the mistruths of Mr. Fagin's response, he asked me what Mr. Fagin testified to in court regarding this matter. I told him the Judge never asked Mr. Fagin in court whether he ever met with the children. In fact, the only issue regarding it was after we filed the complaint, and the Judge admonished my and my wife's attorneys for my wife filing against Mr. Fagin. That was the courts only response to the issue.

We would like to formally request that your office please both reopen the old case and re-investigate it, and speak with our children and our attorneys if necessary, and also open a new one in response to Mr. Fagin's not being truthful in his response to your office. Thank you in advance for your time and consideration in this messy matter.

Respectfully,

Earl and Judy Kranz

P.S. I have enclosed letters from our oldest son, Joshua, 21 years old who was present, and Jared 15, David 14, and my wife stating their contacts with Mr. Fagin. Jack and Brandy are only 7 and 6 respectively, and do not know nor would understand the points of this complaint. You are welcome to ask them if they know, recognize or have ever met him though, should you choose.

● Enclosures (6)

ERK

cc: Stephen P. Vella

To Whom It May Concern:

Dan Fagin, the kids GAL of the Kranz Family, has falsely said that he has spoken to every child in this family and has come up with a conclusion based on what we had supposedly said to him. I, Jared Lust (son of Judy Kranz), would like to say that Dan Fagin never spoke to any of us. When asked by Judy if he needed to speak to us, he said in response that he did not need to talk to us. We rescheduled an appointment so he could have a chance to interview us, but he never showed up. Not only did he not show up for the second meeting, he showed up late for the first one. That is the extent of my knowledge on this matter. Thank you for taking the time to read my letter.

Sincerely,

Jared Lust

*Jared Lust*

To Whom it may Concern:

Dan Fagin, attny, scheduled an appt to meet with the children who he was assigned to represent. He arrived late and was invited into the home. The children were seated around the dining room table. Mr Fagin entered into the living room. I asked him which child he would like to talk to first and he replied that he did not need to talk to the children. He then proceeded to leave, making a joke about just checking to see if we had any knives out. At the porch door he stated he was in a unique position...he would be siding with the defense. He stated he had read the reports and thought the girls were not truthful.

The second allegation was that he had helped to impeach his client. David, our son, was called by defense to testify. While prosecution was questioning him, Mr Fagin leaned over and was feeding the prosecutor details of a conversation he had had with David, in private, at a previous court date.

Mr Fagin also scheduled a visit with the kids through my attny. My attny showed up, but Mr Fagin did not and did not call to say he was not coming.

Mr Fagin has NEVER talked or even greeted 3 out of 4 of my children, whom he represents. He then reported to the judge that I had filed a complaint against him and asked that it be reported in the courtroom. The judge told my attny that he saw the action as an attempt to manipulate the court proceedings. I was..I was trying to get a lawyer to do his job.

Thank You,  
Judy Kranz





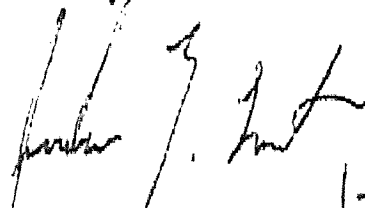
To Whom It May Concern:

I was requested to tell of the events surrounding the visit of Daniel Fagin to the Kranz family home. Daniel Fagin is the guardian ad-litem (GAL) for the minor children in the Kranz household.

On his first scheduled visit to the home, Daniel Fagin arrived later than he had scheduled, and he stayed for no longer than 5 minutes. He spoke only with my mother (Judy Kranz). He did not speak with any of the minor children before leaving – not even a greeting. He departed amicably, telling my mother that he understood our case, and would argue in our favor.

He has since scheduled another appointment to visit with the children. We were prepared for him to come, but he never showed up, or called, or rescheduled. Daniel Fagin has not once spoken to any of the minor children of whom he is the guardian ad-litem.

Sincerely,

  
Joshua B. Lust

1-17-2004

CHAIRPERSON  
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VICE-CHAIRPERSON  
JANE SHALLAL  
SECRETARY

STATE OF MICHIGAN

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ROBERT F. EDICK  
DEPUTY ADMINISTRATOR  
CYNTHIA C. BULLINGTO  
ASSISTANT DEPUTY ADMINISTRATOR

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January 8, 2004

PERSONAL AND CONFIDENTIAL

Judy Kranz  
2936 Earle SW  
Granville, MI 49418

Re: Judy Kranz as to Daniel R. Fagan  
File No. 3185/03

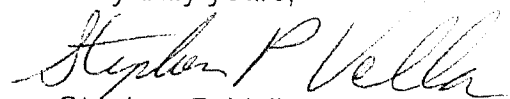
Dear Ms. Kranz:

The Commission is authorized to investigate and when necessary prosecute charges of attorney misconduct. After preliminary investigation and careful review of the materials presented in this file by the Commission's staff, it has been determined that the matters raised in your Request for Investigation do not merit further attention by the Commission. The facts as you have stated in your Request for Investigation do not constitute professional misconduct.

During the course of our inquiry we asked the attorney to provide an answer to your allegations. I am enclosing a copy of the answer for your review. The Attorney Grievance Commission does not function as a monitor of pending litigation or proceedings in probate court. Your concerns regarding Attorney Fagan as the appointed guardian ad litem are for the probate court to consider and, if appropriate, to order the removal of the attorney. You should consult with an attorney regarding your legal options. Our office feels the attorney has answered your allegations adequately. We will take no further action.

I hope that this letter adequately explains my office's position in this matter.

Very truly yours,



Stephen P. Vella  
Associate Counsel

SPV/ma  
Enclosure  
cc: Daniel R. Fagan

**DANIEL R. FAGAN AND ASSOCIATES, P.C.**  
**ATTORNEYS AT LAW**

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1. STEEPVIEW BUILDING  
429 TURNER, NW  
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Telephone (616)-224-2564  
Facsimile (616) 454-2232  
EMAIL danfagan@the-steepleview.co

NOVEMBER 26, 2000

State of Michigan/Attorney Grievance Commission  
Marquette Building  
243 W. Congress, Suite 256  
Detroit, Michigan 48226-3259

re: Judy Kranz as to Daniel R. Fagan/File No. 3185-03

Issue I. Ms. Kranz apparently disapproves of the way I interviewed her children.

**RESPONSE**

The powers and duties of the Lawyer-Guardian -ad- Litem are set forth in MC 712A.17d et seq. Most critically, I, as Guardian-ad-Litem, am to serve as the independent representative for the children's best interests. My duties include determining the facts of the case by conducting an independent investigation including, but not limited to, interviewing the children, social workers, family members ... and others as necessary, and reviewing relevant reports. I have fully fulfilled that duty.

Upon being appointed to this matter I reviewed the reports prepared by the Protective Services worker, sexual abuse counselors, and others, along with the lengthy Protective Services past of the Kranz-Lust families. I met with and discussed the case with the attorney who had previously represented my four minor clients. (That attorney had a conflict which caused him to be removed from representation of the younger four children because the two older children, step-child Jennifer Lust and step-child Rachel Kranz, both reported to Protective Services in Kent County that Judy Kranz's current husband, Earl Kranz, had sexually molested them both recently and throughout most of Rachel Kranz's childhood. The

alleged victims of Earl Kranz's molestation. The other four younger children in Judy and Earl Kranz's home sided with their mother, Judy Kranz, believing that the allegations against Earl Kranz were false.)

My conversation with the former attorney of the four minor children who had become my clients confirmed my reading of the reports and discussions with case workers that the four younger children did indeed wish to remain in their mother/stepmother's home and that they wished for the return of Earl Kranz to that home.

In addition to my discussions with the Protective Service worker on the case, former counsel for my clients and others, I did go out to the residence of Judy Kranz and meet with my four minor clients, Jared Lust, Jack Kranz, Brandy Kranz and David Kranz. We spoke casually and long enough for me to confirm what had been reported to me in the documents of the case and other interviews of the children, that is, my clients wanted to be in the home of Judy Kranz and to have Earl Kranz back in the home as soon as possible.

The results of that meeting with the kids were that, with Protective Services monitoring the home and Judy Kranz in counseling, the children were likely safe in their home, so long as Earl Kranz remains ordered out of the home. I determined that further interviews of the children pending completion of the adjudicative phase of the case against Earl and Judy Kranz would only be disruptive and the children have enough disruptive things going on already due to all the counseling all are undergoing and the fact that the adjudication in this matter is only half completed.

Counsel for Earl Kranz and Judy Kranz attempted, before adjudication of the petition began, to convince me that all the allegations in the petition were false and that I, as lawyer-guardian-ad-litem for the children, should join them in advocating at the pending adjudication hearing against the petition and for the return of the father Earl Kranz immediately into the family home. I determined, consistent with my duties to the children and the very grave allegations against both Judy Kranz and Earl Kranz, to withhold siding with the parents' view unless and until I determined the most serious allegations of sexual molestation and failure to protect were simply not credible. (See copy of Petition, paragraphs 1 through 7 particularly).

The adjudicative phase of this case is still pending, although several days of testimony have already been presented. Critically, both Jennifer Lust and Rachel Kranz, minors, have testified, along with experts who conducted the interviews of the girls and evaluated their

accusations against Earl Kranz during the initial investigation of the charges against Earl and Judy Kranz. My "wait and see" attitude was changed by that testimony and I am now fairly certain, though adjudication is still in process, that the alleged sexual abuse by Mr. Kranz and the failure to protect her children accusation against Judy Kranz are both true.

I am likely, in the children's best interests, to advocate to the Court that wardship be taken over all my minor clients. It is not likely that I will advocate for the removal of the children from Judy Kranz's home, or for the permanent removal of Earl Kranz from that home, but I am certainly hesitant to have any visitation by Earl Kranz which is not properly supervised and I likewise would view failure of Judy Kranz to be actively engaged in whatever counseling and therapy are ordered as a strong reason to consider possible temporary removal of the children from the home to assure their safety and well-being.

#### Issue II. Not helping establish visitation

As to the issue of me "not helping establish visitation", this allegation is false. The current charges against Earl Kranz are particularly serious. Mr. Kranz has a disturbing history of sexual abuse allegations against him in Michigan and Indiana. Nonetheless, I have encouraged whatever visitation the counselors and therapists involved in the family believe is good for the children. It is certainly not in the best interests of the children for me to advocate for more visitation than the counselors think should occur. I have been convinced that Earl Kranz probably did what is accused. That being said, I have agreed to any and all proposals from the parents for supervised visitation with appropriate supervisors. I did object to a proposal by Earl and Judy Kranz that Earl Kranz's mother be allowed to supervise the visits between Earl Kranz and my clients. I believe that she would lack the necessary objectivity. I have agreed wholeheartedly to a church pastor who has offered to supervise visitation, consistent with counselors' recommendations. I believe that is appropriate and protects the children.

Issue III. Ms. Kranz believes that I have been adversarial with my client David Kranz on the witness stand.

In responding to the third complaint of Judy Kranz, I should indicate that, if I thought it were in the best interest of a client to cross-examine a client, contrary to his desires, my role as guardian-ad-litem would certainly allow me to do so. MCL712.17d(1)(h) states in pertinent part:

(h) To make a determination regarding the child's best interests and

advocate for those best interests according to the lawyer-guardian-ad-litem's understanding of those best interests, regardless of whether the lawyer-guardian ad litem's determination reflects the child's wishes...

In fact, I did not call my client David Kranz to the stand, though the Prosecution urged me to do so. The prosecution called my client to the stand. I had previously met with my client before he was called to testify and discussed with him the mechanics of testifying. He appeared fairly comfortable with the prospect. While testifying David did respond to a prosecution question about marks having been left on him by spankings by his parent/stepparent, Judy and Earl Kranz. He denied that this occurred.

During a recess from the proceedings, while David was on break from testifying I again spoke with him and indicated to him that I remembered distinctly that he had informed me that he had been spanked by Judy and/or Earl Kranz and that he had then admitted to me that the spanking with "the board" had in fact caused bruising. David told me he didn't remember that he had told me that. I told him that I was just going to ask him a couple questions about that matter on the stand and that all I wanted from him was his best recollection. He was fine with that and agreed. Accordingly, when the parents' counsel had finished with their examination of my client (whom I would have preferred not testify at all) I gently examined him about a previous conversation we had had and he equally gently denied that the previous spankings by the Kranz parents had led to bruising on him or on the other children in the house. My examination was completed civilly and with no animosity between David and me. I felt obliged to make the point by that examination that the parents might currently be exercising undue control over David's testimony. Clearly, the parents did not like me asking David the questions, but it was done with the best interests of David and all my clients in mind. Again, I am not appointed to make Mrs. Kranz happy or to make the parents look good. Every decision I have made in this case has been carefully assessed to protect my clients' best interests. I believe I have done so.

I am sorry Mrs. Kranz doesn't like my decisions, but her judgment may be clouded by the fact that she shows more interest in getting her husband, Earl Kranz, back into the home than getting to the bottom of this very serious family crisis.

Please let me know if you require anything further. Sincerely,



Daniel R. Fagan

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attachments